

Appl. No: 10/659,992  
Amdt. dated: June 7, 2007  
Reply to Office Action of: April 5, 2007

## **REMARKS**

### **Allowable Subject Matter**

Applicants note with appreciation the allowance of Claims 40-50.

### **Rejections under 35 U.S.C. §112**

The Examiner has rejected Claims 51-65 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states, "Specifically, term 'capable of' is not a positive statement and does not have meaning in any patentable way."

In response, Applicants have amended independent Claim 51 to recite "...wherein at least one of the first and second segments *is configured to generate* emission in response to excitation energy." Dependent Claims 52-65 all depend ultimately from independent Claim 51 and therefore include all the features and limitations thereof. Furthermore, the dependent claims add further distinguishing features of particular utility. Accordingly, Applicants submit that the dependent claims have also overcome the §112 rejection.

To further facilitate issuance of the pending application, Applicants have cancelled previously withdrawn method Claims 1-39.

## **CONCLUSIONS**

In view of the foregoing amendment and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 12 0690.

Respectfully submitted,  
Regents of the University of California  
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